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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,424	04/19/2001	Frederic Bauchot	FR920000030US1	3573
46033	7590	02/04/2005	EXAMINER	
IBM CORPORATION INTELLECTUAL PROPERTY LAW DEPT 11400 BURNET ROAD AUSTIN, TX 78758			STEVENS, ROBERT	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,424

Applicant(s)

BAUCHOT ET AL.

Examiner

Robert M Stevens

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: **Application No. 09/838,424** amendment filed 10/04/2004 to the original application filed 4/19/2001 by Bauchot et al. entitled “Method and System in an Electronic Spreadsheet for Handling User-Defined Options in a Copy/Cut – Paste Operation”. This application claims foreign priority to application no. 00480057.9 filed in France on 7/13/2000..
2. The Office withdraws the objections to the abstract raised in the First Action On the Merits (FAOM), as a result of the amended specification.
3. The Office withdraws the objections to the specification paragraph [0097] raised in the FAOM, as a result of the amended specification.
4. The Office maintains the other objections to the specification raised in the FAOM, because the amended specification has not addressed them (i.e., chose to defer them).
5. The Office withdraws the objections to the drawings raised in the FAOM, as a result of the amended specification.
6. The Office withdraws the FAOM rejections of claim 8 under 35 USC 112 first paragraph, in light of Applicant’s amendment.

7. The Office withdraws the FAOM rejections of claim 7 under 35 USC 112 second paragraph, in light of Applicant's amendment.
8. The Office withdraws the FAOM rejections of claims 1-5, 8 and 9 under 35 USC 101, in light of Applicant's amendment.
9. The FAOM rejections of claims 1-4 and 6-9 under 35 USC 103(a) as being unpatentable over Blood in view of Shaw and further in view of Applicant Admitted Prior Art, has been withdrawn as necessitated by amendment.
10. The FAOM rejection of claim 5 under 35 USC 103(a) as being unpatentable over Blood in view of Shaw and Applicant Admitted Prior Art and further in view of Friedman, has been withdrawn as necessitated by amendment.
11. The Office raises new rejections of the claims under 35 USC 112 second paragraph, 35 USC 101 and 35 USC 103(a), as necessitated by amendment. Further discussion follows.
12. Claims 1-9 are pending. Claims 1 and 8 are independent.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. **Claim 9 is rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9 (line 1), the term/phrase “computer –usable medium” was not defined in the specification. As such, the scope of this claim is indeterminable.

Claim Rejections - 35 USC § 101

15. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

16. **Claims 1-9 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter.

Regarding independent claim 1: The language of this claim raises a question as to whether this claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

Claim 1 is not tangibly embodied, as evidenced by the appearance of the term/phrase “electronic spreadsheet” in the last line of the claim. This claim is directed to a “multi dimensional spreadsheet” (see preamble). A multi dimensional spreadsheet may be paper, and have an impact on a second (i.e., electronic) spreadsheet.

By way of example, a claim is not considered to be in the technological arts if the claim language is such that the claim elements could be performed using pencil or paper. However, one technique for satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein that code produces a tangible result.

Claims 2-7 and 9 are dependent upon claim 1, and do not add any limitations that would render these claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

Regarding independent claim 8: The language of this claim merely describes a computer program per se. As such, this raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

One technique for satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein that code produces a tangible result.

Further regarding claim 9: This claim is directed to a “computer usable medium”, which may encompass an intangible embodiment (such as a carrier wave or transmission media).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Julia Kelly (Using Microsoft Excel 97, 3rd Edition, Que Corp., Indianapolis, IN, © 1998, pp. 138-144 and 154-189, hereafter referred to as “Kelly”) in view of Ammirato et al. (US Patent No. 6,438,565, filed Feb. 7, 1996 and issued Aug. 20, 2002, hereafter referred to as “Ammirato”).

Regarding independent claim 1, Kelly discloses:

A method of handling user-desired options (p. 124 left margin, under “Can’t drag and drop?”, discussing user selected/desired options) *during a copy and paste or a cut and paste operation within a multi dimensional spreadsheet comprising a plurality of cells identified by a cell address along each dimension* (pp. 125-126 Figures 8.6, 8.7 and 8.8), *said method comprising the steps of:*

... ;

defining a source cell range and a destination cell range; (p. 125 Fig. 8.7, where source range = cells G3:G10 and destination range = cells H3:H10)

defining an operation to execute, either copy and paste, or cut and paste; (pp. 125-126 Figures 8.7 – 8.8 illustrate a cut and paste operation)

... ,

...; and

when the last option combination is copied, clearing the source cell range if the operation is cut and paste; (pp. 125-126 Figures 8.7 – 8.8, noting that spreadsheet column G has been cleared in Fig. 8.8, which shows the result of a cut/paste)

wherein each of said options is defined as a-boolean variable. which can be set as “True” or “False,” and impact the content of a cell within an electronic spreadsheet. (pp. 174-175 “IF” section and Fig. 10.23)

However, Kelly does not explicitly disclose:

....
defining one or a plurality of combinations, each combination comprising one or a plurality of options;

... ;

for each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to said one or plurality of options,

computing the content of each cell within the source cell range according to said one or plurality of options;

creating a version instance of the destination cell range;

copying the source range of cells into said version instance; and

... .

Ammirato, though, discloses:

....
defining one or a plurality of combinations (Fig. 4A, re: “Scenario Group Control”), each combination comprising one or a plurality of options; (Fig. 4A, re: “Group Options”)

... ;

for each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to said one or plurality of options, (Fig. 5B)

computing the content of each cell within the source cell range according to said one or plurality of options; (Fig. 5B #570)

creating a version instance of the destination cell range; (Fig. 5B, re: “Version 1”)
copying the source range of cells into said version instance; (Fig. 5B #570) and

....

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Ammirato for the benefit of Kelly, because to do so would allow a user to create and track various versions of a data model, as taught by Ammirato in col. 2 lines 52-55. These references were all applicable to the same field of endeavor, i.e., manipulation of data within a spreadsheet application.

Regarding claim 2, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed.

However, Kelly does not explicitly disclose:

assigning a name for each defined combination of options; and
naming the version instance with the defined combination name.

Ammirato, though, discloses:

assigning a name for each defined combination of options; (Fig. 4A, re: “Group Name”) and
naming the version instance with the defined combination name. (Fig. 5B #577, re: “Store: VER ID(1)”, it being well known in the art that one can name a variable [e.g., a version instance] any name comprising valid characters)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Ammirato for the benefit of Kelly, because to do so would allow a user to create and track various versions of a data model, as taught by Ammirato in col. 2 lines 52-55.

These references were all applicable to the same field of endeavor, i.e., manipulation of data within a spreadsheet application.

Regarding claim 3, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed.

Kelly further discloses:

defining each option as a boolean variable; (pp. 174-175 "IF" section and Fig. 10.23)
referencing said one or plurality of boolean variables in one or a plurality of cells. (pp. 174-175 "IF" section and Fig. 10.23)

Regarding claim 4, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed.

Kelly further discloses:

activating the one or plurality of boolean variables corresponding to the current option combination; (pp. 174-175 "IF" section and Fig. 10.23) and
determining the content of each said cell with the source cell range depending on whether said one or plurality of boolean variables are activated or not. (pp. 174-175 "IF" section and Fig. 10.23)

Regarding claim 6, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed.

However, Kelly does not explicitly disclose:

wherein one or more of said steps are executed by means of an interactive user interface.

Ammirato, though, discloses:

wherein one or more of said steps are executed by means of an interactive user interface. (Fig. 4A, re: "Scenario Group Control" and "Group Options")

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Ammirato for the benefit of Kelly, because to do so would allow a user to create and track various versions of a data model, as taught by Ammirato in col. 2 lines 52-55. These references were all applicable to the same field of endeavor, i.e., manipulation of data within a spreadsheet application.

Regarding claim 7, which is dependent upon claim 6, the limitations of claim 6 have been previously addressed.

However, Kelly does not explicitly disclose:

*wherein said interactive user interface comprises:
a dialog box;
displayed on a screen;
of a computer system.*

Ammirato, though, discloses:

*wherein said interactive user interface (Fig. 4A) comprises:
a dialog box; (Fig. 4A, re: "Scenario Group Control")
displayed on a screen; (Fig. 1A #106)
of a computer system. (Fig. 1A #100)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Ammirato for the benefit of Kelly, because to do so would allow a user to create and track various versions of a data model, as taught by Ammirato in col. 2 lines 52-55.

These references were all applicable to the same field of endeavor, i.e., manipulation of data within a spreadsheet application.

Claim 8 is directed to a system comprising the means for implementing the method set forth in claim 1. As such, claim 8 is substantially similar to claim 1, and therefore likewise rejected.

Claim 9 is directed to a computer usable medium comprising instructions for implementing the method set forth in claim 1. As such, claim 9 is substantially similar to claim 1, and therefore likewise rejected.

19. **Claim 5 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Julia Kelly (Using Microsoft Excel 97, 3rd Edition, Que Corp., Indianapolis, IN, © 1998, pp. 138-144 and 154-189, hereafter referred to as “Kelly”) in view of Ammirato et al. (US Patent No. 6,438,565, filed Feb. 7, 1996 and issued Aug. 20, 2002, hereafter referred to as “MS Dictionary”) and further in view of H. M. Deitel et al. (C++: How To Program, 2nd Edition, Prentice Hall, Upper Saddle River, NJ, © 1994, pp. 10, 106-110, 147, 243-244, 256-262, 448, 473-479, 483-485, 707-730, 981-987 and 1043-1045, hereafter referred to as “Deitel”).

Regarding claim 5, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed.

However, Kelly does not explicitly disclose:

*setting the value of the boolean variable to one when the boolean variable is activated, or
setting the value of the boolean variable to zero when the boolean variable is not activated.*

Deitel, though, discloses:

*setting the value of the boolean variable to one when the boolean variable is activated, or
setting the value of the boolean variable to zero when the boolean variable is not activated.* (p. 109, 1st full paragraph discussing “false”, where by implication if the value were zero, then it must have been set to zero at some time.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Deitel for the benefit of Kelly in view of Ammirato, because to do so would enable a programmer to build reusable software components, as taught by Deitel in the 2nd paragraph on p. 10 after “Portability Tip 1.1”. These references were all applicable to the same field of endeavor, i.e., application program use and development.

Response to Arguments

20. Applicant's arguments filed 10/04/2004 have been fully considered but they are not persuasive.

Applicant's remarks on pages 8-11 of the amendment concerning the drawings and specification issues raised in the FAOM have been addressed above.

It is respectfully noted that Applicant's amendment to the claims significantly changes the scope of the claimed invention as a whole. As such, Applicant's arguments (pages 10-13 of

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the amendment) concerning FAOM rejections under 35 USC 101, 35 USC 102(b) and 103(a) have been rendered moot.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents

Coffen et al	6,640,234
Anderson et al	6,282,551
Michelman et al	5,987,481
Freivald et al	5,983,268
Goodridge et al	5,848,393
Moss et al	5,613,131
Cseri	5,883,623
Glassey	5,604,854

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Additionally, the main number for Technology Center 2100 is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens
Art Unit 2176
Date: January 21, 2005

rms


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER